

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JUNE 5, 2023 PUBLIC HEARING**

Case Number:	Docket #23-42
Applicant:	Dillon Reynolds, SPACECO for Lebanon Hotel Group
Location:	The subject property is located at 1527 W South Street, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is zoned Planned Unit Development (PUD), is within the Thoroughfare and Interstate Overlay Districts, and is comprised of 1.04 acres. The subject lot configuration is approximately 280 feet wide and 200 feet deep.
Property History:	History of Property: This is the first time the requested Variance has appeared before the City of Lebanon Board of Zoning Appeals. The property currently is a vacant parcel within the Lebanon Gateway Marketplace commercial development.
Background:	Variance Background The applicant is proposing to construct an approximately 5800 square foot stand-alone Bar Louie restaurant along with associated parking. The restaurant is being developed in concert with the Fairfield Hotel on the adjacent parcel to the south, with shared access from Gateway Avenue. Because the primary access point and flow of traffic will be coming from Gateway Avenue to the east rather than from South Street, the applicant is proposing that the front entrance for the restaurant would face toward Gateway Avenue rather than South Street. The Thoroughfare Overlay District requires that the main entrance of the structure must face the street with the highest classification, which in this case would be South Street. Staff indicated that a variance would be necessary to allow the main entrance of the Bar Louie restaurant to face Gateway Avenue rather than South Street.
Variance Request(s):	Applicant Request: Development Standard Variance Request Variance Request #1 – Building Orientation UDO Section 6.1.L.3.d The UDO requires in the Thoroughfare Overlay District that the main entrance of the structure face the street with the highest classification. The applicant is requesting relief from this requirement to allow the main entrance to face Gateway Avenue rather than South Street.

<p>Variance Evaluation:</p>	<p>Evaluation of Variance(s)</p> <p>Statutory Authority of BZA for Reviewing Variances. Pursuant to state statute and the Lebanon Unified Development Ordinance, the Board of Zoning Appeals must find that each of the following conditions is satisfied in order to grant a variance from the development standards in the Ordinance. Per Indiana Code (IC) 36-7-4-918.5; No variance in the application of the provisions of the ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find, in writing that each of development standard variances listed above has been reviewed based on the following (3) statutory criteria:</p> <p style="text-align: center;">Statutory Criteria</p> <p>Criteria-1 <i>The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p>Criteria-2 <i>The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.</i></p> <p>Criteria-3 <i>The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></p>
	<p>Staff Evaluation of Development Standard Variances</p> <p>Variance Request #1 – Building Orientation</p> <p>UDO Section 6.1.L.3.d</p> <p>The UDO requires in the Thoroughfare Overlay District that the main entrance of the structure face the street with the highest classification. The applicant is requesting relief from this requirement to allow the main entrance to face Gateway Avenue rather than South Street.</p> <p style="text-align: center;">Staff Evaluation of Development Standard Variances</p> <p>Criteria-1 <i>The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p>Staff Analysis</p> <p>Relief from the building orientation requirement will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed restaurant structure will meet all setbacks and will be constructed to meet applicable building code requirements.</p> <p>Criteria-2 <i>The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.</i></p> <p>Staff Analysis</p> <p>The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The building will be constructed of the highest quality materials and the elevation facing South Street has been upgraded such that the side entrance has the same architectural details as the main</p>

entrance facing Gateway Avenue, giving it a front-like façade. This will ensure the main entrance façade and the façade facing South Street have similar characteristics.

Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

Staff Analysis

The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property. While it is physically possible for the building to be rotated to orient the main entrance toward South Street, there is no vehicular access from South Street meaning the main entrance would no longer face the primary access on Gateway Avenue. The current configuration with the main building entrance facing the primary access point along Gateway Avenue will provide for efficient flow of vehicular and pedestrian traffic to the main entrance.

Staff Recommendation:

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The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the building orientation requirement of the UDO.